

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 082-13
1701 LA VISTA DEL OCEANO DRIVE
MODIFICATIONS
DECEMBER 11, 2013

APPLICATION OF ERIN CARROLL, LANDSCAPE ARCHITECT FOR VISTA OCEANO LA MESA VENTURE, LLC, 1701 LA VISTA DEL OCEANO DR., 035-480-058, E-1 ZONE, GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (3 DU/ACRE) (MST2005-00017)

The lot is approximately 16,370 square feet in size, and is located in the Hillside Design District. It is currently under construction with a new 4,517 square foot, single-family residence and associated site improvements, which were approved in 2006 (BLD2006-00399). The project involves revisions to a proposed pool and spa, and "as-built" alterations to walls along the front portion of the property.

The discretionary applications required for this project are:

- 1. A <u>Modification</u> to allow the pool to encroach into the required 15-foot front setback for pools (SBMC § 28.87.060 and SBMC §28.92.110); and
- 2. A Modification to the height of fences, walls, and hedges to exceed the maximum allowed height of 3½ feet within 10 feet of the front lot line and within 10 feet of the driveway for a distance of 20 feet from the front property line (SBMC § 28.87.170 and SBMC §28.92.110).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak in favor of the application, one person spoke in opposition of the application, and the following exhibits were presented for the record:

- 1. Staff Report with Attachments, December 5, 2013.
- Site Plans

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

- A. Approved the requested Modification to allow the pool within the fifteen-foot front setback for pools making the findings and determinations that the Modification is consistent with the purposes and intent of the Zoning Ordinance, because the revisions to the pool improve the site circulation and it is not anticipated to adversely impact the adjacent neighbors or the public.
- **B.** Approved the requested Modification to allow the walls, fences and driveway gate elements exceed the maximum allowable height of 3.5 feet within twenty feet of the front lot line and adjacent to the driveway making the findings and determinations that the Modification is consistent with the purposes and intent of the Zoning Ordinance, and is not anticipated to adversely impact the adjacent neighbors. The increased height is not anticipated to adversely impact adjacent neighbors or the street and will not

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diminish visibility along the street frontage or for drivers of vehicles entering or exiting the property. The walls perform a number of necessary functions, including retaining the soil, meet minimum guardrail requirements, and securing the site. The grade differential from the street level to the main floor of the residence creates the need for walls along the front. The placement of the approved residence in the front setback also limits the distance available to break up the mass and allow for appropriate screening.

This motion was passed and adopted on the 11th day of December, 2013 by the Staff Hearing Officer of the City of Santa Barbara.

I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo, Staff Hearing Officer Secretary

Date

PLEASE BE ADVISED:

- 1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
- 2. If the scope of work exceeds the extent described in the Modification request or that which was represented to the Staff Hearing Officer at the public hearing, it may render the Staff Hearing Officer approval null and void.
- 3. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
- 4. Subsequent to the outcome of any appeal action your next administrative step should be to apply for **Single Family Design Board (SFDB)** approval and then a building permit.
- 5. PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit. The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
- 6. Notice of Approval Time Limits: The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.